



IN THE CIRCUIT/COUNTY COURT OF THE 18TH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA
VS.

BCSO Case No. 15-142492

Dana Delaney Loyd

Court Case No.

05-2015-CF-39871-A XXX-XX

WARRANT FOR ARREST

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR, THE
SHERIFFS AND THEIR DULY SWORN DEPUTIES OF THE STATE OF FLORIDA:

WHEREAS AN AFFIDAVIT HAS BEEN MADE BY AGENT Robert Fischer of the Brevard County Sheriff's Office, Brevard County, Florida, and having reviewed the Affidavit, and it appearing to the Court that there is sufficient probable cause to believe that between April 17, 2015 and May 19, 2015, Dana Delaney Loyd, hereinafter called Defendant, did violate the laws of the State of Florida, to wit: Filing a False Report of Child Abuse, contrary to section 39.205(9), Florida Statutes, and Stalking, contrary to section 784.048(2), Florida Statutes.

Defendant's description: white female, approximately 5'04" tall, brown hair, brown eyes, date of birth September 16, 1972, Social Security number [REDACTED] with a last known address of 714 Orange Street, Titusville, Brevard County, Florida.

THESE ARE, THEREFORE, to command you to arrest instantler the said Dana Delaney Loyd, and bring (her) before me to be dealt with according to law.

Filing a False Report of Child Abuse, (F3),
Stalking, (M1)

BOND amount 10,000
BOND amount 500

DONE AND ORDERED this 28th day of August, 2015, at VIERA,
BREVARD COUNTY, FLORIDA.

SCOTT ELLIS
2015 AUG 28 A 9 26
CLERK OF CIRCUIT
COURT IN AND FOR
BREVARD COUNTY, FLORIDA

[Signature]
JUDGE OF THE CIRCUIT/COUNTY COURT
IN AND FOR BREVARD COUNTY, FLORIDA



CIRCUIT/COUNTY COURT OF THE 18TH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

AFFIDAVIT FOR ARREST WARRANT
BCSO Case No. 15-142492

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, JEFFREY MAHL Judge of the Circuit/County Court in and for Brevard County, Florida, personally came the Affiant, Agent Robert Fischer, of the Brevard County Sheriff's Office, Brevard County, Florida, who being duly sworn deposes and says that the Affiant is a citizen of Brevard County, Florida, and has reason to believe that the following person has committed a violation of the laws of the State of Florida, to wit: **Filing a False Report of Child Abuse, contrary to section 39.205(9), Florida Statutes, and Stalking, contrary to section 784.048(2), Florida Statutes.**

Dana Delaney Loyd, white female, approximately 5'04" tall, brown hair, brown eyes, date of birth September 16, 1972, Social Security number [REDACTED] with a last known address of 714 Orange Street, Titusville, Brevard County, Florida.

The facts that establish the grounds for this application and probable cause of the Affiant for believing that such facts exist are as follows:

On April 29, 2015, an allegation of sexual battery on a juvenile and child neglect was reported to the Florida Department of Children and Families via their Florida Abuse Hotline.

The reporter of those allegations (identified in the recorded call as "Theresa Smith") stated she was a substitute teacher who had heard the victim, [REDACTED] make statements that [REDACTED] had sexual intercourse with her, would not allow her to gain weight, and locked [REDACTED] in her room without food if she failed to comply with his weight restrictions. The reporter provided details to the hotline operator which would make it seem as though she was present in the child's school on the date of the alleged admissions and referred the operator to the online publication, Brevard's Best News.com for additional details.

Deputies of the Brevard County Sheriff's Office and DCF social workers assigned to investigate the allegations learned from school personnel that [REDACTED] had not had a substitute teacher recently, therefore the anonymous call was suspicious to investigators right away. The responding deputies learned from DCF records that similar allegations involving [REDACTED] had been previously made and those allegations had been unfounded. The deputies also learned that, subsequent to a court-ordered investigation carried out by a court-appointed psychologist, Judge George Maxwell III issued an order, based upon the psychologist's findings, which stated [REDACTED] was not to be interviewed by law enforcement and/or DCF without the permission of the court.

On the same date the DCF allegation regarding [REDACTED] was made, DCF supervisor Debbie Christiansen called the number from which the hotline report was made, (321) 591-7964. During a sworn, digitally-recorded statement provided by Ms. Christiansen later in the investigation, Ms. Christiansen said she called (321) 591-7964 from her office phone but did not leave a message. A few minutes later, Ms. Christiansen received a call from a woman who identified herself as Dana Delaney (Dana Loyd) and said she just missed a call from someone. Ms. Christiansen asked the woman if someone named Theresa or anyone other than Ms. Loyd had used her phone in the past twenty-four hours, the woman said, "No." [REDACTED] later played the DCF intake call for Ms. Christiansen and asked her if she identified the voice of the caller, at which time Ms. Christiansen said the voice was the same as that of the woman she contacted at (321) 591-7964 on April 29, 2015.

Through investigation it was confirmed that the phone number provided to the DCF hotline by the caller identifying herself as "Theresa Smith" on April 29, 2015; (321) 591-7964; belonged to Dana Delaney Loyd. It was also learned that Dana Loyd had written several articles regarding [REDACTED] and [REDACTED] which she published on the website, Brevard's Best News.com. Phone records for Ms. Loyd's phone number, (321) 591-7964, were obtained via subpoena, which confirmed Ms. Loyd is currently assigned that phone number and had been since 2005. Phone records also showed a call was placed to the DCF Florida Abuse Hotline at approximately 1112 hours on April 29, 2015, which was consistent with DCF's records regarding the intake of the [REDACTED] allegation.

Upon contacting [REDACTED] he stated Dana Loyd has been harassing him for quite some time via her online articles, and in April and May of 2015 she began calling people who know [REDACTED] and referring them to her articles. [REDACTED] went on to say Ms. Loyd called the soccer club where he coaches to tell them he was a child pornographer. [REDACTED] said Ms. Loyd also contacted the manager of a hotel in Colorado where he was seeking employment. [REDACTED] said Ms. Loyd advised his would-be employer that [REDACTED] exhibited inappropriate behavior toward [REDACTED] and

referred the hotel manager to her articles on Brevard's Best News. [REDACTED] provided a sworn, digitally-recorded statement in which he identified the above-listed allegations.

Contact was made with the director and president of [REDACTED] soccer club and they each provided sworn, digitally-recorded statements regarding their conversations with Ms. Loyd. The club's director said Ms. Loyd told him she was running an article regarding [REDACTED] molesting [REDACTED] evidence of which Ms. Loyd obtained via a police report from North Carolina. The club's president said Ms. Loyd left voicemail messages on his phone accusing [REDACTED] of abusing [REDACTED] and said she was going to write an article about it. [REDACTED] was suspended from coaching until the soccer club completed a thorough background investigation into Ms. Loyd's allegations. Several days later, once the soccer club determined the allegations were unfounded, [REDACTED] was reinstated.

Contact was made with the manager of the hotel in Colorado at which [REDACTED] was seeking employment and had already obtained the court's permission to move to Colorado with [REDACTED]. During a sworn, digitally-recorded statement, the hotel manager advised Ms. Loyd told him [REDACTED] had inappropriate behavior toward [REDACTED] which he could read about on her blog. Ms. Loyd further advised the manager he should not hire [REDACTED].

A copy of the DCF abuse hotline intake call from April 29, 2015 was obtained and this recording was played for BCSO Agent Dan Ogden, who has met with Dana Loyd in the past. Upon playing the recording for Agent Ogden without providing him with the name of the suspect in this case, Agent Ogden identified the reporter of the allegation as Dana Loyd.

A sworn, digitally-recorded interview was conducted with Dana Loyd in regard to [REDACTED] and [REDACTED] on August 19, 2015.

During the interview, Ms. Loyd stated she has never met or spoken with [REDACTED]. Ms. Loyd said all of her information regarding [REDACTED] comes from [REDACTED] attorney, Dean Tong, and the police report of North Carolina investigator John Whitfield. It should be noted that Detective Whitfield's report was written in May of 2010. Ms. Loyd said [REDACTED]

[REDACTED]

Ms. Loyd said she obtains information regarding [REDACTED] from "court documents," but did not advise receiving any information from [REDACTED] or any sources other than those listed above.

A portion of the April 29, 2015 DCF call regarding [REDACTED] was played for Ms. Loyd, who initially denied being the one who called in the allegation. Your Affiant explained to Ms. Loyd that there were no substitute teachers in [REDACTED] class on the date of the alleged admission and your Affiant showed her the phone number captured by DCF's caller-ID, (321) 591-7964, which she identified as her phone number. Ms. Loyd then [REDACTED] [REDACTED] Your Affiant asked Ms. Loyd if she had seen [REDACTED] in school on the day she called DCF, and she indicated she had not.

Your Affiant asked Ms. Loyd if she would agree that calling a person's soccer league, calling their employer, and contacting DCF to make an allegation you knew was not true would constitute harassment, and she said, "I'm gonna say, 'Yes.'"

By not only contacting [REDACTED] out-of-state employer and members of his soccer league to accuse him of sexually abusing [REDACTED] but by also contacting the Florida Department of Children and Families to report overhearing admissions of sexual abuse and child neglect, Dana Loyd engaged in a course of action directed at [REDACTED] which caused substantial emotional distress to him and served no legitimate purpose.

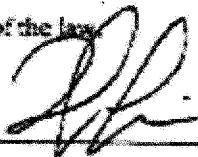
Furthermore, by claiming to be a substitute teacher who overheard [REDACTED] making admissions of sexual abuse and child neglect and making allegations of the same via DCF's Florida Abuse Hotline, Dana Loyd committed a third-degree felony (F.S.S 39.205).

Since Ms. Loyd stated to your Affiant that she has never met with or spoken [REDACTED] was she in [REDACTED] school, it is clear that her call to the DCF hotline was not made in good faith. When considered within the totality of the circumstances- Ms. Loyd has never met [REDACTED] has either not read or has ignored the numerous reports made by law enforcement officers and social workers in which the same sexual abuse and neglect allegations she reported to DCF have been unfounded time and again, and is aware of Judge Maxwell's court order forbidding further interviews of the child; there is probable cause to believe Ms. Loyd's report to DCF was maliciously made for the purpose of harassing [REDACTED]

Based on the above stated facts, your Affiant has probable cause to believe Dana Delaney Loyd did commit the crimes of **Filing a False Report of Child Abuse, contrary to section 39.205(9), Florida Statutes, and Stalking, contrary to section 784.045(2), Florida Statutes.**

Your Affiant, Agent Robert Fischer, is certified by the State of Florida Commission on Criminal Justice Standards and Training as a Law Enforcement Officer as the result of his attendance and completion of the Brevard Community College Police Academy. Your Affiant is currently employed by the Brevard County Sheriff's Office and has been since June of 2011. Your Affiant has been assigned to the Uniform Patrol Division. Your Affiant has been assigned to the Special Investigations Unit as a narcotics/voice Agent. Your Affiant is currently assigned to the Special Victims Unit as an Agent. Your Affiant has been involved in numerous criminal investigations. Your Affiant has participated in the execution of search warrants. Your Affiant has investigated numerous violations of Florida Statutes and has received training pertaining to these crimes.

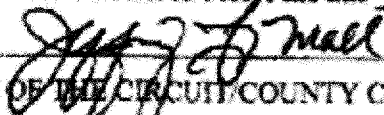
Whereas, your Affiant makes this affidavit and prays for the issuance of the arrest warrant with the authority to enter any premise to effect said arrest of **Dana Delaney Loyd** for the crimes of **Filing a False Report of Child Abuse and Stalking**, thereof the subject to the order of this Honorable Court by duly constituted officers of the law.

 #1304

Agent Robert Fischer, ID# 1304

Affiant Deputy, Brevard County Sheriff's Office

Sworn to and subscribed before me this 28th day of August, 2015.



JUDGE OF THE CIRCUIT/COUNTY COURT
IN AND FOR BREVARD COUNTY, FLORIDA



IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA.

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 05-2015-CF-039871-AXXX-XX

vs.

DANA LYNN LOYD

Defendant.

MOTION TO DISQUALIFY JUDGE DUE TO BIAS OR PREJUDICE

COMES NOW, the Defendant DANA LYNN LOYD, by and through her undersigned counsel and respectfully moves this Honorable Court, and Honorable Robin Lemonidis to disqualify herself from sitting on further proceedings in the above referenced case. The Plaintiff hereby files this Motion pursuant to § 38.02 and § 38.10, Fla. Stat. (1997), and the Fla. Code Jud. Conduct, Canon 3E. In support of this Motion, the Defendant alleges the following:

1. The Defendant DANA LYNN LOYD runs an online publication in which the crux of her stories reveal corruption regarding high powered officials in law enforcement and the judicial system of the Eighteenth Judicial Circuit.

2. On or about May 23, 2016, this Honorable Court heard the Defendant's Motion for Contempt against the State of Florida for violating this Honorable Court's Order in reference to the Confidentiality of this entire case file. This Motion for Contempt alleged that confidentiality was breached when the State Attorney reached out to Attorney Mark Peters, attorney of record for the alleged victim, [REDACTED] family law case with confidential information and that Attorney Peters was supplied with documents from the criminal case that had already been deemed confidential. At this hearing the State denied ever speaking to Attorney Mark

Peters, denied issuing documents to Attorney Peters and stated that they only reached out to the alleged victim, [REDACTED] and never to his family law attorney.

3. This Honorable Court denied said Motion for Contempt by stating she has worked with the State every day for the last year and the State consists of people with ethics and candor and she did not believe that this was an intentional violation of the Court's Order. This Honorable Court further stated that the undersigned counsel and the Defendant are attempting to passive aggressively harass Mr. [REDACTED]

4. On or about May 23, 2016, the State Attorney reached out **again** to Attorney Mark Peters and relayed specifics about the Defendant's criminal case. (See Exhibit "B", Letter from Mark Peters, Esquire) After this contact was made, the undersigned attorney received the attached letter with significant confidential details regarding this matter. The Defendant believes that she will not be able to receive a fair and impartial trial.

5. The Defendant believes that this Honorable Court has shown an obvious prejudice towards her. This prejudice will have an inevitable negative impact on her criminal proceedings that are yet to be presented before the Honorable Robin Lemonidis. Her bias will affect how she rules on certain issues throughout this criminal trial. The Defendant believes that for the foregoing reason, Judge Robin Lemonidis cannot be neutral and impartial in this matter.

6. As a result of all of the aforementioned actions, the Defendant has a well grounded fear that she will not receive a fair trial at the hands of the Honorable Judge Robin Lemonidis.

7. Defendant submits that pursuant to Florida Code of Judicial Conduct, Canon 3E, a "judge shall disqualify herself ...[when] the Judge's impartiality might be reasonably questioned." Canon 3E(1)(a) further adds that personal bias against a party's attorney is reason

for disqualification. The Defendant feels that the circumstances discussed in this Motion mandate that Judge Lemonidis recuse herself from any further proceedings regarding the Defendant.

8. As further basis the Defendant would offer the following cases in support of her Motion to Disqualify. In Livingston v. State, 441 So.2d 1083 (Fla 1984), states that the "question of disqualification focuses on the matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially." (*Id.* at 1086). Additionally, Livingston, supra, stands for the position that the position of disqualification focuses on matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially (*Id.* at 1086). See also, Havslip v. Douglas, 400 So. 2d 533, (Fla. 4th DCA 1981).

9. Additionally, the Defendant bases this Motion on § 38.02 and § 38.10 of the Florida Statutes Plaintiff has met the requirements of the statutes and offers the following cases in support of her Motion. In Ginsberg v. Holt, 86 So. 2d 650, (Fla. 1956) the Florida Supreme Court found that bias against a party's attorney can be detrimental enough to warrant recusal by a judge. The determination should be made as to whether a reasonable prudent person would be in fear of not receiving a fair trial (*Id.* at 1087). In Bundy v. Rudd, 366 So. 2d 440, (Fla. 1978), the Florida Supreme Court stated that a judge shall not pass on the truth of the allegations or look beyond the legal sufficiency of a Motion for Disqualification. If a judge does exceed the proper scope of inquiry, then that alone is basis for disqualification, See also, Rogers v. State, 630 So. 2d 513, (Fla. 1993).

10. The facts are set forth in the accompanying Affidavit.

WHEREFORE, the Defendant DANA LYNN LOYD prays the Honorable Robin Lemonidis proceed no further in this cause and that another judge be designated in this cause.

I HEREBY CERTIFY this Motion to Disqualify the Honorable Judge Robin Lemonidis is made in good faith.

WHEREFORE the Defendant respectfully requests the Honorable Judge Robin Lemonidis grant the Motion to Disqualify and recuse herself from the civil matter of the Defendant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing has furnished by U.S. Mail delivery to the, Sean Sendra at 400 South Street, Suite D, Titusville, Florida 32780 and the Honorable Judge Robin Lemonidis, County Court Judge, Titusville Courthouse, 506 S. Palm Ave., Titusville, Florida 32796, this 24th day of July 2016.

Law Office of Jessica Burgess, P.A.

/s/ Jessica L. Burgess.
JESSICA BURGESS, ESQUIRE
14E Marina Isles Blvd.
Indian Harbour Beach, Florida 32937
(321) 759-7626
Florida Bar No.: 115698
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burgess.jessica87@gmail.com

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA.

STATE OF FLORIDA,

Plaintiff,

vs.

DANA LYNN LOYD

Defendant.

CASE NO.: 05-2015-CF-039871-AXXX-XX

**AFFIDAVIT IN SUPPORT OF MOTION TO DISQUALIFY JUDGE FOR BIAS OR
PREJUDICE**

I, DANA LYNN LOYD, being first duly sworn, deposes and says:

I

I am the Defendant in the above-entitled case and am acquainted with the facts in this case and have personal knowledge of the matter set forth in this Affidavit.

II

I am informed and believe, and based on such information and belief, allege that the Honorable Robin Lemonidis, the Judge before whom this cause is pending, has a personal bias or prejudice against me.

III

The facts and the reasons for the belief that such bias or prejudice exists are explained in the following:

I run an online publication in which the crux of my stories reveal corruption regarding high powered officials in law enforcement and the judicial system of the Eighteenth Judicial Circuit.

On or about May 23, 2016, this Honorable Court heard my Motion for Contempt against

the State of Florida for violating this Honorable Court's Order in reference to the Confidentiality of this entire case file. This Motion for Contempt alleged that confidentiality was breached when the State Attorney reached out to Attorney Mark Peters, attorney of record for the alleged victim, [REDACTED] family law case with confidential information and that Attorney Peters was supplied with documents from the criminal case that had already been deemed confidential. At this hearing the State denied ever speaking to Attorney Mark Peters, denied issuing documents to Attorney Peters and stated that they only reached out to the alleged victim, [REDACTED] and never to his family law attorney.

This Honorable Court denied said Motion for Contempt by stating she has worked with the State every day for the last year and the State consists of people with ethics and candor and she did not believe that this was an intentional violation of the Court's Order. This Honorable Court further stated that my attorney and I are attempting to passive aggressively harass Mr. [REDACTED]

On or about May 23, 2016, the State Attorney reached out **again** to Attorney Mark Peters and relayed specifics about my criminal case. (See exhibit "A") After this contact was made, my attorney received the attached letter with significant confidential details regarding this matter. I feel that had this been me that violated this Order, I would have been incarcerated.

I do not believe that I will receive a fair and impartial trial.

IV.

This Honorable Court has shown an obvious prejudice towards me. This prejudice will have an inevitable negative impact on my criminal proceedings that are yet to be presented before the Honorable Robin Lemonidis. Her bias will affect how she rules on certain issues throughout my criminal trial. I believe that for the foregoing reason, Judge Robin Lemonidis cannot be neutral and impartial in this matter.

WHEREFORE, the Defendant DANA LYNN LOYD prays the Honorable Robin Lemonidis proceed no further in this cause and that another judge be designated in this cause.

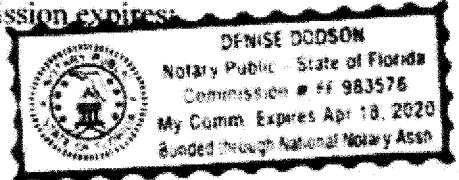
7/26/16
DATE

[Signature]
DANA LYNN LOYD

STATE OF FLORIDA
COUNTY OF BREVARD

SWORN TO AND SUBSCRIBED before me personally appeared DANA LYNN LOYD, who is personally known to me or produced _____, as identification, this 26 day of July, 2016.

[Signature]
Notary Public State of Florida
My Commission expires:



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Motion and supporting Affidavit signed this 26th day of July 2016 are made in good faith and not for the purposes of delay.

[Signature]
JESSICA L. BURGESS, Esquire



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May 23, 2016

VIA EMAIL

Jessica L. Burgess, Esquire
Law Office of Jessica L. Burgess, P.A.
14E Marina Isles Boulevard
Indian Harbour Beach, FL 32937

In Re: **The Former Marriage of: [REDACTED] and [REDACTED]**
 n/k/a [REDACTED]
Case No. [REDACTED]

Dear Ms. Burgess:

I am in receipt of your Motion to Intervene, in the above-referenced action. By telephone conversation on May 23, 2016, I confirmed with Assistant State Attorney, Susan Stewart, that the State does not intend to call [REDACTED] as a witness in the prosecution of Dana Loyd. Further, the factual bases for the prosecution of Ms. Loyd is predicated on Ms. Loyd's false reporting that she was a substitute teacher at [REDACTED] school and overheard a conversation that either directly or indirectly suggested [REDACTED] was a victim of sexual abuse.

Since Ms. Loyd is not a substitute teacher and overheard no conversation at [REDACTED] school, the bases for the charges are not something [REDACTED] can testify about. The School Board's records substantiate Ms. Loyd was not a substitute teacher on the day she claims she overheard a conversation.

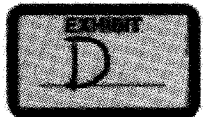
If Ms. Loyd, you or [REDACTED] have some other agenda, I expect consideration of this request to withdraw your Motion to Intervene will not be well received. The consequences for pursuing a motion not supported by the law or the facts should already be well known by you and your client.

Sincerely,


Mark S. Peters

MSP/jp

cc: Client



NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)
)
 Appellant,)
)
 v.)
)
 ANTONIA WHITE,)
)
 Appellee.)
 _____)

Case No. 2b03-775

Opinion filed March 5, 2004.

Appeal from the Circuit Court for
Pinellas County; Jack R. St. Arnold, Judge.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and C. Suzanne Bechard,
Assistant Attorney General, Tampa,
for Appellant.

James Marion Moorman, Public Defender,
and Kevin Briggs, Assistant Public
Defender, Bartow, for Appellee.

SILBERMAN, Judge.

The State appeals an order suppressing evidence in this prosecution for
making a false report of child abuse. We affirm.

On March 13, 2002, the State filed an information against appellee
Antonia White and alleged that on September 21, 2001, White "knowingly, willfully, and

maliciously" made a false report of child abuse in violation of section 39.205(6), Florida Statutes (2001). White filed a motion to suppress, alleging that the Department of Children and Family Services (the Department) and a detective with the St. Petersburg Police Department acted illegally and violated section 39.202(4) by making an audiotape of her child abuse hotline call available to the subjects of the abuse report, a [REDACTED] and [REDACTED]. White asserted that the tape was played for the [REDACTED] and [REDACTED] in order that they might identify the voice on the tape.

Following a hearing, the trial court entered an order suppressing the audiotape of the hotline call, any transcript of the call, the voice identification of White as the caller, and statements that White made to the police after she was questioned as a result of the identification made by the [REDACTED] and [REDACTED]. The State appeals this suppression order.

On September 21, 2001, White made an anonymous call to the Department's central abuse hotline and was assured that the call was confidential and that her name would not be disclosed to the alleged perpetrator of the abuse, the [REDACTED]. David Motta, a child protective investigation supervisor with the Pinellas County Sheriff's Office, testified at the suppression hearing that the Department investigated and determined that the report was unfounded. The [REDACTED] then contacted Motta to find out who made the report, and Motta told the [REDACTED] that he could not disclose that information.

Motta testified at the suppression hearing that the law prohibited him from disclosing identifying information to an alleged perpetrator. He also testified that he did not feel that the call warranted referral to law enforcement as a false report because it

was a first report and there had not been a pattern of reports that would indicate harassment. He explained that many times reports are determined to be unfounded but that does not mean that someone is harassing the alleged perpetrator.

After Motta refused to provide the [REDACTED] with information regarding the identity of the caller, the [REDACTED] went to the St. Petersburg Police Department. At the [REDACTED] urging to prosecute a complaint of making a false report of child abuse, Detective George Lofton obtained an audiotape of the hotline call from the Department. Detective Lofton played the tape for the [REDACTED] and [REDACTED] so that they might identify the voice. After hearing the tape, they identified White as the caller. The police confronted White with this identification, and she admitted that she made the call and made additional statements to the police. White was then charged.

We agree with the trial court's conclusion that law enforcement was prohibited from publishing a copy of the anonymous central abuse hotline call to the [REDACTED] and [REDACTED] for the purpose of identifying the caller. Section 39.202(1) provides that all calls to the hotline are confidential. Section 39.202(4) provides for limited release of the name of the person reporting the abuse. The name may be released without the written consent of the person reporting the abuse to Department employees responsible for child protective services, the central abuse hotline, law enforcement, the child protection team (defined in chapter 39), or the appropriate state attorney, but the statute does not allow disclosure to the alleged perpetrator. § 39.202(4). A person who knowingly and willfully discloses confidential information from the abuse hotline to an unauthorized person is guilty of a second-degree misdemeanor. §§ 39.202(7), 39.205(3).

Section 39.205(6) provides that "[a] person who knowingly and willfully makes a false report of child abuse" is guilty of a third-degree felony. Section 39.01(27) defines "false report" as "a report of abuse, neglect, or abandonment of a child to the central abuse hotline which report is maliciously made" for specified purposes such as harassment or acquiring custody of a child. Significantly, the statute places the burden on the Department to determine if a false report has been made. See § 39.205(4), (5).

If the Department determines that a report is false, then it shall refer the report to law enforcement. § 39.205(5).

The State contends that individuals who make false reports should not receive the benefit of confidentiality. However, when Detective Lofton published the information, there had been no determination that a false report had been made.

Additionally, section 39.206(9) provides as follows:

A person who is determined to have filed a false report of abuse, abandonment, or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

Thus, when it has been determined that a person made a false report, that person is no longer entitled to confidentiality.

Detective Lofton's playing of the audiotape for the father and daughter violated section 39.202. Although Detective Lofton did not disclose the "name" of the caller, we agree with the trial court's analysis that disclosure of the audiotape with the identifying characteristics of the caller's voice was tantamount to disclosing the caller's

name. In fact, the specific reason that Detective Lofton gave for playing the tape for the [REDACTED] and [REDACTED] was to determine the identity, or name, of the caller.

A paramount concern of chapter 39 is the health and safety of children and the corresponding protection of children from abuse, abandonment, and neglect. See § 39.001(1)(b)(1), (3)(a). To disclose the identity of an anonymous child abuse reporter to the alleged perpetrator, before the report is determined to be false, would undermine the purpose of chapter 39 to encourage the reporting of child abuse and would likely result in a chilling effect on such reporting. However, once the Department determines that a person has made a false child abuse report, then the person loses the confidentiality protections of chapter 39.

Pursuant to the statutory framework, White's confidential call was improperly disclosed to the father and daughter. Accordingly, we affirm the trial court's order suppressing the evidence.

Affirmed.

ALTENBERND, C.J. and WALLACE, J., Concur.

1 allegations three times or more with no merit. And then
2 that gets turned over to legal or to state attorney, and
3 they proceed thereafter.

4 Q Is there any type of system in place where you
5 would give a warning to a caller that they've made
6 potentially a false report, kind of like you give them a
7 chance?

8 A I don't know anything about that. We don't take
9 the reports. The reports are done through a hotline.

10 Q What kind of things would generally tip off to you
11 that a report is false?

12 A Usually there's no information that would tip off,
13 so to speak, of a false report. It would probably have to
14 be found out through the investigation process.

15 Q How can you determine that a report is false,
16 without ever speaking to a child?

17 A You look at prior reports, prior investigations,
18 past reports from other areas. And, based on the
19 information that you have, if what the allegations are
20 actually happened.

21 Q Have you personally ever determined another report
22 to be false, without ever speaking to the child?

23 A I've never determined any report to be false.

24 Q Did you personally hear the call that was allegedly
25 placed by Ms. Loyd to the Florida Abuse Hotline?

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1 A No.

2 Q So when you receive an intake, how do they go about

3 sending you to the school if you don't hear the actual call?

4 A Well, you get the information. Usually there's

5 information in the intake of means to locate a child, or

6 where the child could possibly be at that time or certain

7 times.

8 Q Are you aware of what information was reported in

9 that particular call?

10 A I cannot remember the specifics right now.

11 Q Is the Florida Abuse Hotline considered anonymous?

12 A The reporters to the hotline are considered

13 anonymous.

14 Q Are you required to give your name?

15 A I don't believe. I don't know. I never called the

16 hotline myself.

17 Q Do you know whether or not you're required to

18 provide an occupation?

19 A I don't know.

20 Q Do you know if a call to the Florida Abuse Hotline

21 would be based on the totality of the call, or maybe one

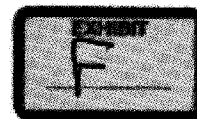
22 statement or two statements being false, that would make it

23 a false report?

24 A I don't know that information.

25 Q Okay. Other than the protocol that you told me

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From: "Gray, Kristin" <Kristin.Gray@myflfamilies.com>

To: VolusiaExposed.Com <volusiaexposed@cfl.rr.com>

Subject: RE: Public Record Request - Investigative Report

Date: Thu, 7 Apr 2016 16:44:52 +0000 (04/07/2016 12:44:52 PM)

As of this writing, there has not been a false reporting investigation conducted regarding this case. Should you have additional questions, please feel free to contact me directly at the telephone numbers provided in the signature block. That would eliminate any misunderstanding on my end and expedite a response to your organization.

Kristi Gray, MSW
Communications Director
Interim Community Development Director
Central Region
Florida Department of Children and Families
400 W. Robinson Street
Orlando, Fl 32801
Office: (407) 317-7042
Cell (407) 770-8777

-----Original Message-----

From: VolusiaExposed.Com [<mailto:volusiaexposed@cfl.rr.com>]
Sent: Thursday, April 07, 2016 12:40 PM
To: Gray, Kristin <Kristin.Gray@myflfamilies.com>
Subject: Re: Public Record Request - Investigative Report

Kristin:

NO - VolusiaExposed is not seeking the child abuse investigation - our understanding is that due to Judge Maxwell's gag order - DCF can NOT conduct any child abuse investigations on this particular child. In fact - if my information is correct - shortly after Mrs. Loyd's arrest for allegedly filing a false abuse report - and due to yet another allegation being made against the [REDACTED] - DCF ATTEMPTED to conduct an abuse investigation regarding this child - and was QUICKLY SHUT DOWN by the [REDACTED] his attorneys and the Court (this is supported by court records in our possession - transcript of Dec 21, 2015 Court hearing).

These records were used (not in their entirety) in our below listed article. (see Document scroll box #3 - within the article)

<http://volusiaexposed.com/highprofile/defenseofdanadelaney5.html>

WHAT WE ARE SEEKING - is the DCF investigation that concluded that Mrs. Loyd - during her April 2015 phone call to the Abuse Hotline - made a false report of abuse. As criminally charged in F.S. 39.205(9), and as defined in F.S.39.01(27). THIS IS THE REPORT THAT WE SEEK. In past emails - I believe you have advised me that DCF NEVER conducted such an investigation. However, others (Brevard Sheriff Department) have stated differently.

We (VolusiaExposed) are attempting to gain clarity on whether this DCF "false report" investigation was conducted - and if so - we are attempting to gain a redacted copy of it.

Are you telling me that since "the only investigation this agency would have is a child abuse investigation" that there is no "false report" investigation?

Regards;

VolusiaExposed.Com
volusiaexposed@cfl.rr.com

G

1 after school.

2 Q. Okay. So, it sounds like you laid eyes on her
3 from a distance of 10 or 15 feet, and she had no idea
4 that you were doing so; is that a fair statement?

5 A. Yes.

6 Q. Okay, so did anybody -- okay. And when you
7 laid eyes upon her from a distance while she was
8 waiting after school to be picked up, was there anyone
9 with you, standing with you or were you standing by
10 yourself?

11 A. The deputy and the principal.

12 Q. Okay. And isn't it true that you have never
13 made a determination as to whether or not the report
14 made in this case was false?

15 A. I'm not -- can you repeat that question?

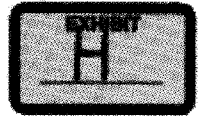
16 Q. Sure. Isn't it true that you never made a
17 determination as to whether or not the report made in
18 this case is false?

19 MR. SENDRA: I'm going to object, it
20 calls for a legal conclusion.

21 THE COURT: Sustained. Invasion of the
22 province of the jury.

23 BY MR. BROSS:

24 Q. Now, when you laid eyes on the child a second
25 time at the home, did you speak to the child on that



Purpose

The information provided within this report is designed to meet requirements contained within section 402.402(3), Florida Statute (F.S.), which requires that the Florida Department of Children and Families (Department) provide a status report to the Governor and Legislature as to the educational qualifications, turnover rates, and working conditions for the Department's child protective investigators, child protective investigator supervisors and other child protective investigative staff.

This report includes recent information related to the Department's full time equivalent (FTE) child protective investigation positions within the areas of:

- Child protective investigative minimum qualifications, base pay and position descriptions;
- The distribution of child protective investigative position across the six Department Regions and allocation of child protective investigative positions across the four child protective investigation class titles;
- The percentage of vacant child protective investigative positions;
- The monthly average number of new cases being assigned to all Child Protective Investigator and Senior Child Protective Investigator positions;
- The average number of Child Protective Investigators and Senior Child Protective Investigators supervised by Child Protective Investigator Supervisor – SES staff;
- Turnover rate for all child protective investigative positions;
- General educational information for all child protective investigative positions; and
- Employee satisfaction, opinion and concerns survey results.

Background

General Statutory Requirements

Chapter 39, Florida Statutes (F.S.) establishes requirements that Child Protective Investigators respond to and make determinations as to the overall validity of allegations of child abuse, abandonment or neglect. Child protective investigators are also required to assess the overall safety and well-being of children, initiate the removal of children (if needed) and assist in the linking of families to appropriate in-home services that are designed to help stabilize the family while helping to improve the overall safety and well-being of the child.

Department of Children and Families and Sheriff Office Investigations

In support of these statutory requirements the Department currently conducts child protective investigations in 61 of Florida's 67 counties. Sheriff's Offices perform child protective investigations in the remaining six counties (Broward, Hillsborough, Manatee, Pasco, Pinellas, and Seminole) under grant agreements with the Department. Unless otherwise specified, all information contained within this report addresses Department child protective investigative positions only.

Florida's Safety Decision Making Methodology

The Department is in the process of transitioning to a new practice model - the Safety Decision Making Methodology - which is designed to emphasize the engagement and empowerment of parents and caregivers while helping to ensure the overall safety and well-being of the child through the use of a uniform safety decision-making methodology and standardized risk